

# **EXHIBIT M**

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

**IN RE: VALSARTAN PRODUCTS  
LIABILITY LITIGATION**

**CIVIL ACTION NUMBER:**

**19-md-02875-RBK-KMW**

**STATUS CONFERENCE  
VIA REMOTE ZOOM  
VIDEOCONFERENCE**

Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets  
Camden, New Jersey 08101  
May 12, 2021  
Commencing at 4:00 p.m.

**B E F O R E:**

**SPECIAL MASTER THE HONORABLE  
THOMAS I. VANASKIE**

**A P P E A R A N C E S:**

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produced by computer-aided transcription.

1 soon after this -- from soon after the discovery of valsartan  
2 -- of nitrosamines in valsartan and reaching out to their  
3 attorneys. So there's a very small timeframe here where she  
4 would have non-privileged documents related to this issue.

5 JUDGE VANASKIE: You say "presumably," that's where I  
6 have a little bit of trouble because we don't know. We're  
7 presuming right now --

8 MS. PRISELAC: That's true.

9 JUDGE VANASKIE: -- in terms of what the burden would  
10 be.

11 Mr. Slater, anything else on this issue?

12 MR. SLATER: I apologize, I muted myself.

13 I don't believe so, Your Honor.

14 JUDGE VANASKIE: All right. Well, here's what I'm  
15 going to direct. I'm going to direct that Ms. Kong be added as  
16 a custodian, for her custodial file to be reviewed. If there  
17 then is a proportionality objection to be asserted based upon  
18 what volume of documents we're looking at and some evidentiary  
19 basis for the assertion that the overwhelming majority of those  
20 documents would be privileged, then I'd be willing to say  
21 nothing needs to be produced, that on proportionality grounds,  
22 it doesn't need to be produced. But right now I don't have an  
23 adequate evidentiary foundation to make that conclusion, and  
24 the only way that we can get there is to at least identify  
25 Maggie Kong as a custodian, review her custodial file and let

1 us know what the volumes look like.

2 MS. PRISELAC: Your Honor, would it be possible for us  
3 to modify the current collection parameters to limit her  
4 collection to end essentially the day the first complaint was  
5 filed in this case? That might help us in terms of the  
6 attorney-client privilege.

7 JUDGE VANASKIE: Mr. Slater?

8 MR. SLATER: I'm not really sure. They want -- if Ms.  
9 Priselac -- I'm assuming what she's saying, from what I just  
10 heard, they don't want to collect documents that predate the  
11 filing of the first complaint or that don't postdate the  
12 filing --

13 MS. PRISELAC: Postdate. Postdate.

14 MR. SLATER: It's hard to say because there are  
15 meetings that have been going on for years after this was  
16 disclosed and there's been discourse within the company about  
17 this problem for years. So I think that perhaps once the  
18 collection's made, if there's certain proportionality arguments  
19 that apply differently to pre or post the first complaint, I --  
20 then maybe we can talk about it. I'm not sure what the date of  
21 that first complaint is, so that might help also for us to  
22 understand.

23 Are we talking sometime in 2019?

24 MS. PRISELAC: Yes.

25 MR. SLATER: Maybe if counsel, once they make their